

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| Application by Verizon New Jersey Inc., |) | |
| Bell Atlantic Communications, Inc. (d/b/a Verizon |) | WC Docket No. 02-67 |
| Long Distance) NYNEX Long Distance |) | |
| Company (d/b/a Verizon Enterprise Solutions), |) | |
| Verizon Global Networks Inc., and Verizon |) | |
| Select Services Inc., for Authorization To Provide |) | |
| In-Region, InterLATA Services in New Jersey |) | |
| |) | |

METROPOLITAN TELECOMMUNICATIONS SUPPLEMENTAL BRIEF

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METROPOLITAN TELECOMMUNICATIONS SUPPLEMENTAL BRIEF

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SUPPLEMENTAL BRIEF OF METROPOLITAN TELECOMMUNICATIONS

Metropolitan Telecommunications (“MetTel”), through undersigned counsel and pursuant to the schedule set by the Federal Communications Commission (“FCC”), in the above-captioned proceeding, hereby submits its comments on Verizon New Jersey Inc.’s (“Verizon NJ” or “Verizon”) application for FCC authorization to provide in-region, interLATA service in New Jersey.

I. INTRODUCTION

MetTel is a New York based Competitive Local Exchange Carrier licensed in New Jersey; and has been providing service to New Jersey customers since July 2001. MetTel delivers its telecommunications service to customers predominantly over the unbundled network element (“UNE”) combination known as the UNE Platform (“UNE-P”). MetTel also delivers telecommunication service to customers in the states of New York, Pennsylvania, Massachusetts and Florida. In addition, MetTel has constructed its own ATM Broadband network, servicing customers from mid to lower Manhattan.

MetTel has experienced various critical problems with Verizon wholesale operations, which have significantly impaired MetTel’s ability to successfully enter and penetrate the New Jersey market. MetTel struggles on a daily basis with Verizon-provided information and its systems. It is MetTel’s position that, at present, service provided by Verizon to CLECs is highly inadequate and creates an atmosphere which is antithetical to successful competition. These comments will focus on the accuracy and timeliness of Verizon’s OSS functioning.

Based on our experience in this area in New York and Pennsylvania, it is MetTel's position that providing Verizon with 271 approval in New Jersey will guarantee that our problems will not be addressed in the future as they continue to exist in other states.

II. STATEMENT OF THE FACTS

The facts are fully set forth in the Declaration of Elliot Goldberg, sworn to on the 8th day of April, 2002, together with the exhibits annexed thereto. Further, the facts and statistics set forth in the Declaration of Elliot Goldberg are incomplete due to Verizon's failure to provide "Flat Files" (despite repeated assurances by Verizon that they would) which would allow for a more complete review of Verizon's claims.

III. PERFORMANCE OF VERIZON'S OSS

Section 271 requires ILECs to offer nondiscriminatory access to OSS functions. Specifically, Section 271(c)(2)(B)(ii) ("Checklist Item 2") of the 271 Competitive Checklist requires Verizon to provide "nondiscriminatory OSS access to network elements in accordance with the requirements of sections 251(c)(3) and 252((d)(1)).¹ Previously MetTel demonstrated that Verizon New Jersey's performance with respect to OSS functionality is deeply flawed. Verizon's response to MetTel's concerns has been typically dismissive, attempting to marginalize the significance of MetTel's observations. Instead of factually addressing the concerns raised by MetTel's data, Verizon seeks to convince the FCC that this data is inaccurate or irrelevant simply because it has been raised by MetTel and not by other carriers. Apparently, Verizon has taken the position that the accuracy of an argument is determined by how many parties are making that

¹ See *Application by Bell Atlantic New York for Authorization Under Section 271 of the*

argument and not the truth of its content. Verizon's reliance on this type of fallacious reasoning shows that it cannot address the arguments head to head and is seeking to avoid them. Similarly, the FCC should also view Verizon's failure to provide the "Flat Files" as an indication of the accuracy of MetTel's analyses.

A. Verizon Fails to Provide Timely Confirmation and Rejection Notifiers

Verizon's claimed 98% performance level in providing timely Reject Notices and 99% performance level for providing timely Confirmation Notices for November and December 2001 is not properly supported. Mettels' attempts to recreate this data from the redacted data showed that it did not include 16% of the MetTel New Jersey PONs. It is impossible for MetTel to confirm the accuracy of Verizon's claims without the accurate data. Additionally, MetTel was unable to analyze all of the June 2001- February 2002 period because Verizon has failed to provide MetTel with the "Flat Files" data despite repeated assurances that it would be provided.

B. Verizon Fails to Provide Timely Completion Notifiers

Despite its argument that it provides timely completion Verizon has presented data in Attachment 5 of the Supplemental Declaration indicating that they failed this metric (the standard being 95%) for November and December 2001, and January 2002. As set forth in the Declaration of Elliot Goldberg the percentage of timely completion notifiers is actually much lower than set forth by Verizon.

C. Verizon reports transactions as completed when they are not completed

A review of the data reveals that Verizon either intentionally or mistakenly reports transactions as completed when in fact they are not completed. MetTel looked to see if

Migrations had usage during the first three days after Verizon reported that the migration was completed. Between November 2001, and February 2002, 15.69% of MetTel's Migrations did not have usage for the first three days after the Provisioning Completion Date and 12.4% showed no usage through March 27, 2002. This is a total of 28.09% of MetTel New Jersey Migrations which have received BCN but where the work was delayed or was incomplete. Verizon raises the point that "It is entirely possible that some lines do not have usage to record". While this is certainly possible, it is implausible to presume that this explains 28.09% of MetTel New Jersey Migrations. Additionally, many of the speculative reasons set forth by Verizon to explain MetTel's findings were specifically excluded from MetTel's own calculations and thus irrelevant.

Between November 2001, and February 2002, 30.58% of MetTel's alleged disconnected Customers showed usage after the date that Verizon sent a Completion Notice for disconnect. This most glaring example of reporting completed transactions that in fact are not complete is that supposedly disconnected lines still show usage. Verizon's failure to explain why 30% of lines it claimed to have disconnected continued to have usage clearly shows that Verizon's explanations are merely speculative and without statistical support.

IV. CONCLUSION

The local exchange market in New Jersey is only beginning to experience fledgling competition. In order for competition to have any opportunity to develop, Verizon's OSS must be functioning properly, as resale and UNE-P modes of entry are critical for creating the competitive environment. The OSS is a crucial system and its

Opinion and Order, 15 FCC Rcd 3953, ¶ 84 (rel. Dec. 22, 1999) ("*Bell Atlantic New York Order*").

level of functionality (timeliness of delivery of information and the accuracy of that information) will mean the difference between the success of the nascent competition in New Jersey or its failure.

It is MetTel's position that at the present time, Verizon has not met the requirements in the service it provides to CLECs to justify its petition to provide interLATA service in New Jersey being approved. Therefore, MetTel urges the FCC to deny Verizon's petition. Furthermore, MetTel specifically requests that Verizon be directed to turn over the "Flat Files" so that an independent verification of the accuracy of the statistics upon which Verizon bases its petition can be conducted.

Respectfully Submitted
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